

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DWAYNE HENRY,

Petitioner,

-against-

THOMAS POOLE, et al.,

Respondents.
-----X

JUDGMENT
02-CV- 2949 (JBW)

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ DEC 15 2005 ★

BROOKLYN OFFICE

A Memorandum and Order of Honorable Jack B. Weinstein, United States District Judge, having been filed on November 10, 2005, denying the petitioner's contention that the 90-day period from the decision of the Court of Appeals expired on August 20, 2005; and ordering that the State shall release petitioner, Dwayne Henry, unless it provides him with a new trial within 90 days of the entry of judgment; it is

ORDERED and ADJUDGED that the State shall release petitioner, Dwayne Henry, unless it provides him with a new trial within 90 days of the entry of this judgment.

Dated: Brooklyn, New York
December 12, 2005

ROBERT C. HEINEMANN
Clerk of Court